

Rambler, Alexis

From: Butler, David
Sent: Thursday, May 13, 2021 8:55 AM
To: PSC_Contact
Subject: FW: Docket No. 2021-59-W - Petition of the Office of Regulatory Staff for an Order Requiring the Posting of an Updated Performance Bond
Attachments: GWWS Performance Bond Agreement 030121.pdf; Georgia Well and Water Services Inc 2020 Financial Statement (091820).pdf

Follow Up Flag: Follow up
Flag Status: Flagged

From: Nelson, Jeff <jnelson@ors.sc.gov>
Sent: Wednesday, May 12, 2021 4:43 PM
To: Butler, David <David.Butler@psc.sc.gov>; dshoe712@mac.com; PSC_Contact <Contact@psc.sc.gov>
Cc: Hall, Roger <RHall@scconsumer.gov>; Grube-Lybarker, Carri <clybarker@scconsumer.gov>
Subject: Docket No. 2021-59-W - Petition of the Office of Regulatory Staff for an Order Requiring the Posting of an Updated Performance Bond

David,

In response to your email regarding this docket, ORS reviewed the attached copy of the updated Performance Bond Agreement and offers the following observations:

In response to Item No. 1: On line two of the document while it is in a small font and not directly on the line the field is filled out with the name of David A. Shoemaker. Immediately below the end of line one where it says "being duly" you will see the name David A Shoemaker. I believe the alignment and small font is an issue with the online .pdf form as we have seen other instances of the fields not aligning correctly and different fonts.

In response to Item No. 2: It appears to us that Mr. Shoemaker did sign page two on the Surety/Sureties signature line. Below that line is the signature of multiple witnesses. Mr. Shoemaker's signature on page 2 is acknowledged on Page 3 with the correct public notary seal.

Also attached is the most recent Financial Statement for Georgia Water and Well that was received by ORS on September 18, 2020. The financial statement is not yet a year old so, based on the language of the regulation, I don't believe Mr. Shoemaker is required to file a new financial statement until September 18, 2021. The financial statement appears to be completed correctly, including the signature page, and the financial statement indicates Mr. Shoemaker has assets/total net worth of \$1,610,000 that he is pledging as surety. This amount is adequate to meet the regulation requirements of two times the bond amount.


Please let me know if this answers your questions regarding this bond.

Jeff Nelson



Jeffrey M. Nelson
 Chief Legal Officer
 Office of Regulatory Staff

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From: Butler, David <David.Butler@psc.sc.gov>

Sent: Wednesday, May 12, 2021 2:21 PM

To: Nelson, Jeff <jnelson@ors.sc.gov>; Grube-Lybarker, Carri <clybarker@scconsumer.gov>; Hall, Roger <RHall@scconsumer.gov>; dshoe712@mac.com; PSC_Contact <Contact@psc.sc.gov>

Subject: Docket No. 2021-59-W - Petition of the Office of Regulatory Staff for an Order Requiring the Posting of an Updated Performance Bond

To the Parties:

Jeff, thank you for forwarding the copy of the performance bond from Georgia Water and Well Services, Inc., which is related to the above-captioned Docket. Unfortunately, upon review of that document, the bond needs some changes to bring it into compliance with Commission Regulation 103-712.3. I would ask, by copy of this e-mail, that Georgia Water and Well Services, Inc. file a new document with the Commission, with copy to the Office of Regulatory Staff, which reflects corrections to the following areas of the present document:

1. At present, the "surety" line on the second line of the document is blank. The regulation requires that a surety be listed.
2. On page 3, although the name of the Company is listed, the name of the President is only typed in. A signature is needed. Otherwise, the "Acknowledgement of Principal" on the last page is of no force or effect.

Please see the original bond attached to the ORS Petition for examples of the items discussed above.

Finally, I would note the requirement of a financial statement, filed annually with the Commission, with copy to the ORS for an individual surety. The statement must be verified by the surety showing the individual surety's personal assets, liabilities, and net worth. Under Commission Regulations, the surety's net worth must be at least twice the face amount of the performance bond. If the individual surety in this case has not filed a recent financial statement, it would be helpful if one was filed along with the performance bond document.

It would be helpful if the Company could file these corrected documents as soon as possible.

Thanks to all,

David Butler

Special Counsel

Public Service Commission of South Carolina